



501.34746CX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: N. TOMOYUKI et al
Application No.: 09/425,302
Filed: October 25, 1999
For: ELECTRONIC PURSE LOAN SYSTEM
Group: 2164
Examiner: G. Akers

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REQUEST FOR WITHDRAWAL OF FINALITY AND
REQUEST FOR COMPLETE OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

August 31, 2001

Sir:

Applicants acknowledge the Office Action dated July 19, 2001. The Office Action contains new obviousness rejections of claims 22, 25-27 and 29-31. Applicants respectfully request that the finality of the Office Action be withdrawn because of these new grounds of rejection. Also, the Office Action did not respond to the applicants' arguments made against the obviousness rejection of claims 10, 19-21, 23, 24, 28 and 32-35. Applicants request that the Office Action be corrected or supplemented to contain a response to applicant's arguments made against the obviousness rejection of claims 10, 19-21, 23, 24, 28 and 32-35.

Request for Withdrawal of Finality

In part 32, the Office Action states that it was made final because "[a]pplicant's amendment necessitated the new grounds of rejection presented in this Office Action."

However, applicants' amendment merely added new claims 36-38. Applicants' amendment did not amend any of the previously pending claims 10 and 19-35.

According to MPEP §706.07(a):

“...a second or subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.”

Even though new claims 36-38 were added, new grounds of rejection were entered for claims 22, 25-27, and 29-31 which were not amended. Therefore, the Office Action should not have been made final and applicants respectfully request the withdrawal of the finality of the Office Action dated July 19, 2001.

Request for Complete Office Action

The first Office Action in this application contained an obviousness rejection of claims 10, 19-21, 23-24, 28 and 32-35 based on the Halpern and Nagata patents. This rejection was repeated in parts 14-25 on pages 5-10 of the second Office Action dated July 19, 2001.

In the Response to the first Office Action, applicants submitted arguments traversing the obviousness rejection. In particular, applicants submitted arguments directed specifically to this obviousness rejection of claims on pages 5-6 of the Response. However, the second Office Action dated July 19, 2001 did not take note or respond to these arguments.

MPEP Section 707.07(f) states that “[w]here the applicant traverses any rejection, the

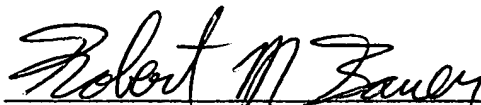
examiner should, if he or she repeats the rejection, take note of applicants argument and answer the substance of it." Despite Applicants' arguments traversing the rejection, the second Office Action did not take note of these arguments nor answer the substance of them. Applicants therefore request that the Office Action be corrected or supplemented to respond to applicants' arguments regarding the rejection.

Pursuant to MPEP Section 710.06, applicant requests that the corrected or supplementary Office Action set a two month period for reply since this Request for Complete Office Action is being filed within two months of the Office Action dated July 19, 2001.

The Commissioner is hereby authorized to charge any additional fee(s) which may be necessary for the consideration of this paper, including extension of time fees, to the account of Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (501.34746CX1).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in cursive script, reading "Robert M. Bauer", is written over a horizontal line.

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